IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23334 of 2004

Between:

1. Dr. Sanivada Santha Kumari W/o Konda Vasudevarao Medical Practitioner
   R/o Lemarthi Agraharam Parawada Mandal, Visakhapatnam District.

2. Sanivada Vijayalaxmi W/o Late Rajarao,
   R/o Lemarthi Agraharam Parawada Mandal, Visakhapatnam District

..... PETITIONER(S)

AND

1 The District Collector, Visakhapatnam.
2 The Land Acquisition Officer, AP Industrial Infrastructure

Corporation Industrial Estate, Visakhapatnam
3 The Zonal Manager (Project), A.P. Industrial Infrastructure

Corporation, Industrial Estate, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the inaction of the 2nd respondent in not referring the dispute raised by the petitioners in relation to premises bearing Assessment No. 139 (Old No. 130) and the land appurtenant thereto, situated in Telaga Street, lemarthi Agraharam, Parawada Mandal, Visakhapatnam Distrct, which was acquired by the A.P Industrial Infrastructure Corporation, to the Civil Court under Section 30 of the Land Acquisition Act, 1894 as illegal and arbitrary and consequently direct the 2nd respondent to refer the matter to the Civil Court.

Counsel for the Petitioner:MR.JAYANTI S.C.SEKHAR

Counsel for the Respondent Nos.1 and 2: GP FOR LAND ACQUISITION

Counsel for the Respondent No.3: MR.E.MADAN MOHAN RAO

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a direction to the second respondent to refer the matter to the Civil Court.

As per Section 30 of the Land Acquisition Act, 1894, the first respondent has to take appropriate decision with regard to referring of the matter to the Civil Court.

Therefore, without going into merits of the case, a direction is given to the first respondent to refer the matter to the Civil Court in terms of Section 30 of the Land Acquisition Act, 1894.

Accordingly, the writ petition is disposed of. No costs.

21.02.2005

Note:CC one week

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To

1 The District Collector, Visakhapatnam.
2 The Land Acquisition Officer, AP Industrial Infrastructure

Corporation Industrial Estate, Visakhapatnam
3 The Zonal Manager (Project), A.P. Industrial Infrastructure

Corporation, Industrial Estate, Visakhapatnam

4 Two CCs to G.P. for Land Acquisition, High Court of A.P.,

Hyderabad (OUT).

5 Two CD copies.